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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Social Service Agency of the Protestant Church in Germany, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Statement of the SSAPCG in Cooperation the United NGO-Mission of Manipur (UNMM) on Latest Developments of Crucial Human Rights Situations in India*

I. Extrajudicial, Summary or arbitrary executions

(1) The Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions of 2013 (A/HRC/23/47), in particular Addendum 1 (A/HRC/23/47.Add.1) on his mission to India,[1] raised serious concerns about the excessive use of force by security officers, legislation that is permissive of such use of force, hampering accountability, and impunity in general within the context of the Armed Forces (Special Powers) Act of 1958 (AFSPA). The SR also stressed the role of non-State actors in the violation of the right to life, including killings by armed groups. The SR further requested a concerted and systematic effort by government, civil society and others concerned to eradicate unlawful killings.[2] He recommended the initiation of a credible national process to allow victims to speak about their experiences, guarantee the access to justice for victims and guarantee accountability and punishment of the perpetrators[3].

(2) After the SR's visit, some positive movements in the judiciary and in politics were noted. On 19 October 2012, the Supreme Court of India[4] issued a notice to the Union of India and State of Manipur to examine AFSPA and its consequences. The Supreme Court received a (Magisterial inquiry) report on 78 cases in Manipur since 1980. Although the Supreme Court established a working instrument to explore the details of these cases, to date there has been no decision taken in terms of accountability. At State level there was a positive development: on 6 December 2014, the Manipur High Court ruled that 11 people who were killed by Indian Armed Forces in the year 2000 at Malom[5], had been civilians, not combatants, and that therefore their families should be compensated with 500,000 Rs. each.[6]

(3) At the political level, in November 2014, the former Minister on Home Affairs[7] called AFSPA an "obnoxious law" that should have no place in a modern civilised country. The Union Minister Gen. (Rtd.) V.K. Singh immediately responded, defending AFSPA. In December, a number of Members of the State Parliament outspokenly demanded the repeal of AFSPA.[8] On 28 February 2015, the Union Home Minister[9] and the Defence Minister[10] again refused to repeal AFSPA. They submitted their report to the Prime Minister and a response is pending. Conversely, in April 2015, the Union Government of India imposed the status of "disturbed area" on the State of Arunachal Pradesh. The State Government as well as civil society underlined their opposition to this imposition.

(4) At administrative level, for several days in December 2014, about 150-200 soldiers of the Indian Army were sent to Manipur, Assam, and Arunachal Pradesh in order to establish 53 new check points.[11] In the same month, 8 civilians were killed and 47 injured in clashes within the context of AFSPA. In April 2015, insurgent groups detonated two bombs in Manipur which led to death of 2 civilians. In total, during the months January to April 2015, there were 76 bomb blasts, injuring 24 civilians. Responsibility for 19 of these blasts was claimed by insurgents groups.

(5) UNMM requests the UN Human Rights Council to:

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[1] March 2012.
[2] See his recommendations in section VIII of the Addendum (paras. 96-126).
[3] i.e. setting up a credible Commission of Inquiry into extrajudicial executions.
[4] Comprising Justice Aftab Alam and Justice Ranjana Prakash.
[5] The so called Malom Massacre.
[6] Approximately 7,000.00 Euros.
[7] Mr. P Chidambaram.
[8] Including Dr. Meinya from Manipur.
[9] Sri Rajnath Singh.
[10] Mr. Manohar Parrikar.
[11] I.e. in Manipur at Pallel, Lilong, Bishnupur, Koirengei, Senapati, in Assam at Bishwanath Cherali, Krokarjarh, Darang, Tezpur.

* invite the Special Rapporteur on extrajudicial executions to closely follow up on the recommendations made in his country report of 2013, to support legal investigations at national and state level, and to continue his engagement for the repeal of AFSPA as it is a root cause of human rights violations;
* urge the Government of India to take a decision on AFSPA appropriate to the standards of international law, expressed *inter alia* in the recommendations of CERD in 2013 and CEDAW in 2014;
* encourage the Indian parliament to itself examine the reports of a number of investigations already undertaken dealing with impunity and further consequences of AFSPA, such as the Jeevan Reddy Commission, the Second Administrative Reform Committee, or the Verma Commission.

II. Violence against Women

(6) Referring to the report on India[12] by the Special Rapporteur on VAW, we would like to contribute to the follow-up by providing additional information. Since 2012, 620 women have been subjected to crimes. Of these, 109 women were raped and murdered by civilians closely connected with the Armed Forces of India. Insurgent groups have been involved too but on a minor scale. Only few of the perpetrators have been punished. The large majority have enjoyed impunity based on AFSPA and the government's refusal to permit exhaustive investigations.

(7) Beginning in the years 2008-2011, Manipur has witnessed 246 cases of child trafficking either to cities of India, or to Thailand, Malaysia and other Asian countries, predominantly for the sex trade. Many cases are still unreported. Mostly girls have been affected.[13]

III. Right to Freedom of Expression

(8) In January 2015, 11 editors of local newspapers received death threats because they refused to publish controversial news as demanded by an armed group. While the group was not publicly identified, there are a number of reasons and evidence to presume that the Indian Security Forces are the authors of the threats. For instance, three members of UNMM were attacked by security personnel having conducted an investigation. Also, the residence of Mr. Khoirom Loyalakpa, editor of the local daily newspaper "Naharolgi Thoudang", was attacked on 17 February 2015 at around 10.30 am by four masked men. It is to be suspected that they are members of the Police. In early February, Khoirom Loyalakpa had dealt with corruption in the Police Department.

IV. Peaceful Assembly

(9) On 22 January 2015, the Magistrate Court in Imphal (Manipur) ordered the release of Ms. Irom Sharmila who has been on a hunger strike for over 14 years. She demands the repeal of AFSPA. The court refused to accept the Police's 2014 charge of attempting to commit suicide. Three days after her release, she was re-arrested on the same charge. Ms. Sharmila stated before the judge: "I am tired of this cycle of release and re-arrest. Please put my case to trial once and for all. Let the case be decided".[14]

V. Counter Terrorism

(10) AFSPA was established in order to grant special powers to the Indian Armed Forces in relation to so-called "disturbed areas". Through its 57-year history, AFSPA should have been used as an instrument for counter insurgency but it has not contributed to any kind of security for the people, rather the opposite. AFSPA has received fundamental criticisms for its adverse impacts on human rights.

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[12] A/HRC/26/38/Add.1

[13] See statement by K Pradip Singh on 31 January 2012 ,member secretary of Child Welfare Committee at www. manipur.org/news; see also field-based research studies by Women Action for Development (WAD; an organisation working on violence against women), fact finding and newspaper clippings, which can be made available upon request.

[14] See at http://www.ndtv.com/article/india/court-rejects-attempt-to-suicide-charge-against-irom-sharmila-652245.

(11) Among those adverse effects are examples which indicate that AFSPA contributes to a conducive environment for drug trafficking. On 25 February in 2013, a Colonel of the Indian Army in Manipur and five others were arrested for allegedly transporting illicit drugs to be smuggled to Myanmar. The value was estimated at over Rs 24 crore[15]. They were remanded in police custody till 8 March 2013. In August 2012, Mr Hibjur Rahaman, a member of the Indian Police, was arrested with 161 kg of Robocoff-Pseudoephedrine tablets, worth 8 lakhs.[16]

(12) On 22 January 2015, the paramilitary forces Assam Rifles tortured and harassed villagers following an incident known as Machi Lamkhai on 14 January. That day, an armed group had attacked the Assam Rifles. On 11 May 2015, the Kuki Revolutionary Front tortured and killed two boys and seriously injured a student.[17] On 26 December 2014, 8 human skeletons were recovered from a former school which had been occupied by the paramilitary forces during the peak of insurgency in Manipur.[18]

(13) UNMM requests the UN Human Rights Council to urge the Government of India to:

* fully investigate crimes related to the illegal drug trade. It invites the SR on Counter Terrorism to provide his expertise;
* fully respect the independence if the judiciary, to release Ms. Irom Sharmila, and to consequently repeal AFSPA;
* extend an invitation to other mandate holders, such as Special Procedures on Freedom of Speech, Peaceful Assembly, WG on Trafficking, WG on Disappearance.

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*United NGO-Mission of Manipur, an NGO without consultative status, shares the views expressed in this statement.

[15] I.e. 240,000,000 Indian Rupees, equivalent to approximately 3.3 Million Euros.
[16] I.e. 800,000 Rupees, equivalent to approx. 11,000 Euros.
[17] The armed group also raped 4 girls in 2013.
[18] In the years 1980 to 2000.